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SUBJECT: PM MALIKI CLAIMS DE-BA'ATHIFICATION CONTROVERSY
UNDER CONTROL; PREDICTS APPEALS DECISIONS WITHIN DAYS

Classified By: Ambassador Christopher R. Hill, for reasons 1.4 b and d.

¶1. (C) SUMMARY: PM Nouri al-Maliki told the Ambassador and CG January 28 that the de-Ba'athification controversy had "stabilized" and that he expected the specially appointed Cassation Chamber to announce its decisions on the 350-odd appeals from disqualified candidates within a few days. (COMMENT: Post subsequently learned that the time frame could be closer to a week or 10 days from now. END COMMENT.) In response to the Ambassador's inquiry about tensions between the Salah ad Din governor and the Provincial Council (PC), the PM announced that on February 1 there would be a special election for a new governor and a new chairman of the Provincial Council. (COMMENT: Post has learned that the PC has no plans to hold said election. END COMMENT.) The Ambassador congratulated the PM on recent Council of Representatives passage of the budget; he responded somewhat glumly that the "budget battle represented a war against the government" by some political elements, including ISCI. The PM raised the UN-led fact-finding mission of Oscar-Fernandez Taranco into the causes of terrorism and violence in Iraq and asked for USG support for a new GOI request for further UN help. General Odierno told the PM he planned to see the Turkish General Staff February 3 and would underscore the need to work out all military issues, particularly regarding action against the PKK, through the trilateral Iraq, Turkey, U.S. mechanism. END SUMMARY.

PM CONFIDENT DE-BA'ATHIFICATION CONTROVERSY SUBSIDING

¶2. (C) PM Nouri al-Maliki told the Ambassador and CG January 28 that the de-Ba'athification controversy had "stabilized." He noted that the specially appointed Cassation Chamber had received some 350 appeals, and he expected decisions on those appeals to be rendered and announced within one to two days. (NOTE: Chief Judge Medhat al-Mahmoud told emboff separately that it would take longer than that to issue the decisions. END NOTE.) Maliki said that he expected "most" of the disqualified candidates to be reinstated, speculating that most of these candidates would not have appealed the decisions unless they were sure there had been mistakes in identity or weak evidence.

¶3. (C) He insisted that the judges had enough time to complete the appeals process, despite the tight electoral calendar between now and the March 7 elections. Maliki said that the situation would continue to "calm down" as people realized that the de-Ba'athification process was not aimed primarily at Sunnis. "Most of the list were Shias," he claimed. He acknowledged that there had been a lot of mistakes made in composing the list of disqualified candidates and expressed regret that some people had tried to make a political issue of that deficiency. He predicted that despite the recent turbulent developments that the elections would run smoothly.

THE "GOVERNORS DISPUTE" IN SALAH AD DIN

¶4. (C) In response to the Ambassador's inquiry about tensions between the Salah ad Din governor and the Provincial Council (PC), the PM explained his sense of the outlines of the conflict. He said that there had been a complicated struggle between the Provincial Council and the Governor that had divided the communities of Salah ad Din, Tikrit, and Samarra. The PC had dismissed the Governor for being unqualified and the courts had backed up the legitimacy of that decision, said Maliki. He further claimed that the Qth decision, said Maliki. He further claimed that the Chairman of the PC, the governor's adversary, had separately been dismissed by IHEC (electoral council), with the support of the rest of the Council, for having furnished a forged education certificate that had allowed him to run for the office.

¶5. (C) The Ambassador noted that the conflict seemed to have all the hallmarks of a local dispute and questioned the PM about his decision to get involved. In particular, he questioned the need to dispatch Iraqi army troops to occupy the provincial government offices in Tikrit. The PM explained that the citizens of Tikrit had become angered at the refusal of the ousted governor to vacate his office, and threatened to use force to expel him. To prevent that bloodshed, the national government intervened, since maintaining public order is a key function of government, insisted Maliki. (COMMENT: Until recently, Maliki had supported the ousted governor remaining in office. END COMMENT.)

¶6. (C) Maliki said he and his office had engaged several times in an effort to resolve the dispute but these efforts had ultimately not succeeded. He announced that on February

1 there would be a special election for a new governor and a new chairman of the Provincial Council. In answer to General Odierno's question, Maliki acknowledged that the Council had already "selected" a new Governor (from the Iraqiya coalition), but the selection had divided the people of Salah ad Din and had not proven to be a successful way out of the local crisis. That explained the intervention of the PM's office and the decision to "freeze everything" until the special election. The PM noted that "anybody" could run for the two positions. (NOTE: The PC elected a new governor on October 27 by a substantial majority. The PC has no plans to hold an election on February 1. We are not aware of the source of the PM's authority to direct that an election be held. END NOTE.)

BATTLE OVER THE BUDGET

¶7. (C) The Ambassador congratulated the PM on recent Council of Representatives passage of the budget and joked that the PM had been pessimistic in his predictions during his January 23 meeting with the Vice President. The PM replied somewhat glumly that the "budget battle represented a war against the government." According to Maliki, ISCI attempted to hold the budget hostage to place unjust limits on government authorities. (COMMENT: The PM seems to be referring to the ISCI-led attempt to pass an Electoral Code of Conduct that contained problematic assertions of legislative control over the caretaker government and over IHEC. END COMMENT.) More generally, Maliki lamented that he had hoped for passage of a "good budget that the people of Iraq could benefit from," complaining in particular about politicized and ultimately successful effort to remove funding that would have created 115,000 new jobs. He described COR consideration of the budget as overly politicized and connected to "elections business."

SEEKING MORE UN HELP IN TERRORISM INVESTIGATION

¶8. (C) Switching gears, the PM raised the UN-led fact-finding mission of Oscar-Fernandez Taranco into the causes of terrorism and violence in Iraq. He described what

the UN had done so far, producing one visit by Taranco, as "quite disappointing." Maliki acknowledged that investigating such a situation could be very complicated, and, as in the case of the assassination of Lebanese PM Rafik Hariri, could take a long time. But what mattered most was the perception that the UN was helping Iraq in its struggle against terrorism and countries that supported terrorism. He said the GOI planned to send another message to the UN asking for help and asked the USG to support that effort. The Ambassador responded that the UN had promised "a process" and said the USG would be as helpful as possible in this effort with the UN.

CONCERN ABOUT TURKEY'S ANTI-PKK INTENTIONS

¶9. (C) General Odierno told the PM he planned to see the Turkish General Staff February 3 and would underscore the need to work out all military issues, particularly regarding action against the PKK, through the trilateral Iraq, Turkey, U.S. mechanism. Odierno said the Turkish military leadership was worried about the drawdown of U.S. forces in the coming months and might be contemplating the need to take action before that development. He reported that he would tell them the United States would not support any ground incursion against the PKK inside Iraq, outside of decisions taken in the trilateral framework. Maliki offered somewhat heated Qthe trilateral framework. Maliki offered somewhat heated agreement, insisting that the GOI would not tolerate any Turkish army "interference in Iraq" or "intervention on Iraqi land," while adding that Iraq would be happy "to negotiate" issues through the trilateral framework.

TWO AL-QAIDA IN IRAQ LEADERS RELEASED

¶10. (C) Odierno reported that two al-Qaida emirs had bribed their way out of Iraqi detention after USF-I forces had originally detained them in November 2009. The CG said he was concerned that the judge who ordered their release may not have been shown the evidence against the two. Maliki asked for the specifics and said the GOI would follow up to determine where the breakdown had occurred and who had been at fault.

CHALLENGES WITH SONS OF IRAQ TRANSITIONING

¶11. (C) Lastly, Odierno raised two other operational issues. First, he noted that terrorists in Iraq were changing

tactics, making it more difficult to determine their plans. This put a premium on good human intelligence, which would be "critical in preventing attacks." The PM concurred, noting that this explained why he had requested USF-I representation at "every meeting," using liaison officers to communicate real-time exchanges of intelligence, rather than more time-consuming written correspondence. Odierno also raised the problem currently faced in some areas surrounding Baghdad due to Sons of Iraq (SOI) transitioning into non-security ministries without any backfill of Iraqi Security Forces. The SOI had been performing a neighborhood watch function, which now presented critical gaps in security (and associated intelligence) for the neighborhoods they lived and worked in. The PM expressed his readiness to address this situation and said he was willing to allow some of them to return to this SOI duty temporarily if CG USF-I would inform him about where they were needed. Odierno committed to getting back to the PM with the relevant data.

HILL